

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-22 are pending. Claims 1, 2, 4, 5, 7, 9, 14, 15, 20 and 21 are independent. Claims 1, 2, 5, 7, 9, 13-15, 20 and 21 are amended. Reconsideration of this application, as amended, is respectfully requested.

**Allowable Subject Matter**

Claims 4, 6, 10 and 11 are allowed. Claims 2, 3, 5, 7-9, 12 and 15-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowable subject matter. Claims 2, 5, 7, 9, 15, 20 and 21 are rewritten in independent form including all of the limitations of the base and any intervening claims. Accordingly, claims 2, 5, 7, 9, 15, 20 and 21 are in immediate condition for allowance.

**Claim Rejection under 35 U.S.C. §112, 2<sup>nd</sup> paragraph**

Claim 13 is rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, for being indefinite. Claim 13 is amended in accordance with the Examiner's helpful comments. It is respectfully submitted that all claims comply with the requirements of 35 U.S.C. §112, 2<sup>nd</sup> paragraph. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, is respectfully requested.

**Claim Rejection under 35 U.S.C. §102(b)**

Claims 1 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by DE 4302838 Axel. This rejection is respectfully traversed.

While not conceding the appropriateness of the rejection, but merely to advance prosecution of the instant application, independent claim 1 is amended to recite a combination of elements in a control unit for a motor-assisted vehicle, including “means for controlling and generating an assist drive force corresponding to the actual running resistance of said vehicle so as to maintain a flat road running resistance whether the vehicle is moving on a flat road, upward slope or downward slope.”

Independent claim 14 is amended to recite a combination of elements in a control unit for a motor-assisted vehicle, including “means for controlling and generating a first assist drive force corresponding to the actual running resistance of said vehicle so as to maintain a flat road running resistance whether the vehicle is moving on a flat road, upward slope or downward slope.”

It is respectfully submit that the combinations of elements set forth in amended independent claims 1 and 14 are not disclosed or made obvious by the prior art of record, including Axel.

Axel discloses a power output control for an electrically assisted vehicular traction in which the tractive effort is calculated from known values of vehicular resistance, speed, drive train and electrical storage capacity. However, Axel does not show the maintaining of a flat road resistance whether the vehicle is moving on a flat road, upward slope or downward slope, as required by the present invention. Therefore, Axel does not teach or suggest “means for

controlling and generating an assist drive force corresponding to the actual running resistance of said vehicle so as to maintain a flat road running resistance whether the vehicle is moving on a flat road, upward slope or downward slope,” as recited in claim 1. Moreover, Axel does not teach or suggest “means for controlling and generating a first assist drive force corresponding to the actual running resistance of said vehicle so as to maintain a flat road running resistance whether the vehicle is moving on a flat road, upward slope or downward slope,” as recited in claim 14.

In view of the foregoing, it is respectfully submitted that the combinations of elements set forth in amended claims 1 and 14 are not disclosed or made obvious by the prior art of record, including Axel. Since the dependent claims depend from allowable independent claims, the dependent claims are also allowable for at least the reasons set forth above, as well as the additional limitations set forth therein. Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and allowance of all claims are respectfully requested.

### **CONCLUSION**

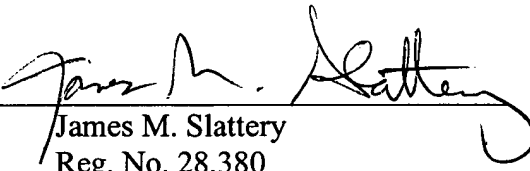
All the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

However, if there are any outstanding issues, the Examiner is invited to telephone Sam Bhattacharya, Reg. No. 48,107, at 703-205-8000 in an effort to expedite prosecution.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$950.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,  
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
James M. Slattery  
Reg. No. 28,380  
P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

0505-0943P  
JMS:SB:jao  
SG